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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,032	01/03/2002	Laurent Fichet	11345/044001	8930

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EXAMINER
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LE, DANH C

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/030,032

**Applicant(s)**

FICHET ET AL.

**Examiner**

DANH C. LE

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The new title filed on 01/31/05 is accepted by the Examiner.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-5, 7-9, 11, 13-16, 18-26, 28-30, 32, 33, 35-38, 40-47, 49-51, 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Kulakowski (US 6,229,621).**

**As to claim 1**, Kulakowski teaches a method of broadcasting a message having a text portion to be communicated to a user, the method comprising broadcasting the message in the form of an entitlement management message for reception by the user (col.7, lines 13-21).

**As to claim 2**, Kulakowski teaches a method according to Claim 1, wherein the message includes at least one identifier to define a group of users for whom the message is intended (destination criteria, col.7, lines 13-21).

**As to claim 3**, Kulakowski teaches a method according to Claim 2, comprising selecting said group from the totality of users and including in said message at least one identifier to define the selected group (col.7, lines 32-43 and col.8, lines 1-16).

**As to claim 4**, Kulakowski teaches a method according to Claim 2, wherein each identifier is an identifier of a group having a particular characteristic (col.7, lines 32-43).

**As to claim 5**, Kulakowski teaches a method according to Claim 4, wherein the characteristic is selected from at least one of geographic area, customer category, subscription to a particular commercial offer, purchase of a particular product, and purchase of a particular session (col.7, lines 32-43).

**As to claim 7**, Kulakowski teaches a method according to claim 1, wherein the message includes a type identifier identifying that the message is intended for a group of users only (col.7, lines 32-43 and col.7, line 61-col.8, line 16).

**As to claim 8**, Kulakowski teaches a method according to claim 1, wherein the message includes a type specifier specifying that the message is of a type, which includes a text portion (col.7, lines 32-43 and lines 32-43).

**As to claim 9**, Kulakowski teaches a method according to claim 1, wherein the message includes a priority specifier specifying a priority of the message (col.7, lines 12-34).

**As to claim 11**, Kulakowski teaches a method according to claim 1, wherein the message is encrypted (col.14, lines 35-47).

**As to claim 13**, Kulakowski teaches a method of communicating a message having a text portion to a user (col.7, lines 13-21), the method comprising receiving at a receiver/decoder the message in the form of an entitlement management message, and outputting from the receiver/decoder a signal representative of the text portion for communication to the user (col.9, lines 60-67 and col.10, lines 37-45).

**As to claim 14**, Kulakowski teaches a method according to Claim 13, wherein the message includes at least one identifier to define a group of users for whom the message is intended (destination criteria, col.7, lines 13-21).

**As to claim 15**, Kulakowski teaches a method according to Claim 14, comprising determining whether the user is in the group of users and outputting said signal representative of the text portion if the user is in the group of users (col.7, lines 32-43 and col.8, lines 1-16).

**As to claim 16**, Kulakowski teaches a method according to Claim 15, wherein the determining step comprises comparing said at least one identifier with at least one identifier stored at the receiver/decoder (col.14, lines 28-34).

**As to claim 18**, Kulakowski teaches a method according to claim 13, comprising generating a signal for advising the user of receipt of the message by the receiver/decoder (col.7, lines 13-22).

**As to claim 19**, Kulakowski teaches a method according to claim 13, wherein the signal representative of the text portion is output in response to a request from the user (col.6, lines 6-16 and col.7, line 61-col.8, line 6).

**As to claim 20**, Kulakowski teaches a method according to claim 13, wherein the signal representative of the text portion is output automatically by the receiver/decoder having a particular characteristic (col.2, lines 34-37).

**As to claim 21**, Kulakowski teaches a method according to Claim 20, wherein the signal is output automatically from the receiver/decoder in dependence on the value of a priority specifier included in the message which specifies the priority of the message (col.7, line 61-col.8, line 16).

**As to claim 22**, the claim is an apparatus claim of claim 1; therefore, the claim is interpreted and rejected as set forth in claim 1.

**As to claim 23**, the claim is an apparatus claim of claim 2; therefore, the claim is interpreted and rejected as set forth in claim 2.

**As to claim 24**, the claim is an apparatus claim of claim 3; therefore, the claim is interpreted and rejected as set forth in claim 3.

**As to claim 25**, the claim is an apparatus claim of claim 4; therefore, the claim is interpreted and rejected as set forth in claim 4.

**As to claim 26**, the claim is an apparatus claim of claim 5; therefore, the claim is interpreted and rejected as set forth in claim 5.

**As to claim 28**, the claim is an apparatus claim of claim 7; therefore, the claim is interpreted and rejected as set forth in claim 7.

**As to claim 29**, the claim is an apparatus claim of claim 8; therefore, the claim is interpreted and rejected as set forth in claim 8.

**As to claim 30**, the claim is an apparatus claim of claim 9; therefore, the claim is interpreted and rejected as set forth in claim 9.

**As to claim 32**, the claim is an apparatus claim of claim 11; therefore, the claim is interpreted and rejected as set forth in claim 11.

**As to claim 33**, Kulakowski teaches an apparatus for broadcasting a message, said message comprising a text portion to be communicated to a user (col.7, lines 13-21), said apparatus comprising means for generating said message in the form of an entitlement management message, and means for broadcasting said entitlement management message to a user's receiver/decoder (col.9, lines 36-43 and lines 60-67).

**As to claim 35**, the claim is an apparatus claim of claim 13; therefore, the claim is interpreted and rejected as set forth in claim 13.

**As to claim 36**, the claim is an apparatus claim of claim 14; therefore, the claim is interpreted and rejected as set forth in claim 14.

**As to claim 37**, the claim is an apparatus claim of claim 15; therefore, the claim is interpreted and rejected as set forth in claim 15.

**As to claim 38**, the claim is an apparatus claim of claim 16; therefore, the claim is interpreted and rejected as set forth in claim 16.

**As to claim 40**, the claim is an apparatus claim of claim 18; therefore, the claim is interpreted and rejected as set forth in claim 18.

**As to claim 41**, the claim is an apparatus claim of claim 19; therefore, the claim is interpreted and rejected as set forth in claim 19.

**As to claim 42**, the claim is an apparatus claim of claim 20; therefore, the claim is interpreted and rejected as set forth in claim 20.

**As to claim 43**, the claim is an apparatus claim of claim 21; therefore, the claim is interpreted and rejected as set forth in claim 21.

**As to claim 44**, Kulakowski teaches an entitlement management message comprising a text portion for communication to a user (col.7, lines 13-21).

**As to claim 45**, Kulakowski teaches a message according to Claim 44, including at least one identifier to define a group of users for whom the message is intended (destination criteria, col.7, lines 13-21).

**As to claim 46**, Kulakowski teaches a message according to Claim 45, wherein each identifier is an identifier of a group having a particular characteristic (col.7, lines 32-43).

**As to claim 47**, Kulakowski teaches a message according to Claim 46, wherein the characteristic is selected from at least one of geographic area, customer category, subscription to a particular commercial offer, purchase of a particular product, and purchase of a particular session (col.7, lines 32-43).

**As to claim 49**, Kulakowski teaches a message according to claim 44, including a type identifier identifying that the message is intended for a group of users only (col.7, lines 32-43 and col.8, lines 1-16).

**As to claim 50**, Kulakowski teaches a message according to claim 44, including a type specifier specifying that the message is of a type, which includes a text portion (col.7, lines 32-43 and col.8, lines 1-16).



**As to claim 51**, Kulakowski teaches a message according to claim 44, including a priority specifier for specifying a priority of the message (col.7, lines 12-34).

**As to claim 53**, Kulakowski teaches a signal comprising an entitlement management message, the entitlement management message comprising a text portion for communication to a user (col.7, lines 13-31).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3. Claims 6, 17, 27, 39 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kulakowski in view of Legall (US 6,005,565).**

**As to claim 6**, Kulakowski teaches a method according to claim 2, Kulakowski fails to teach the message includes at least one operator defining how a plurality of said identifiers are to be combined. Legall teaches the message includes at least one operator defining how a plurality of said identifiers are to be combined (col.3, line 64-col.4, line 15 and col.5, lines 1-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Legall into the system of Kulakowski in order to provide a more intelligent query as suggested as Legall (col.5, lines 1-32).

**As to claim 17**, Kulakowski teaches a method according to claim 14, the receiver/decoder applying said at least one identifier to said plurality of identifiers to

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determine whether the user is in the group of users. Kulakowski fails to teach the message includes at least one operator defining how a plurality of said identifiers are to be combined. Legall teaches the message includes at least one operator defining how a plurality of said identifiers are to be combined (col.3, line 64-col.4, line 15 and col.5, lines 1-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Legall into the system of Kulakowski in order to provide a more intelligent query as suggested as Legall (col.5, lines 1-32).

**As to claim 27**, the claim is an apparatus claim of claim 6; therefore, the claim is interpreted and rejected as set forth in claim 6.

**As to claim 39**, the claim is an apparatus claim of claim 17; therefore, the claim is interpreted and rejected as set forth in claim 17.

**As to claim 48**, the limitation of the claim is the same limitation of claim 6; therefore, the claim is interpreted and rejected as set forth as claim 6.

**4. Claims 10, 31, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kulakowski in view of Zabetian (US 2001/0011350).**

**As to claim 10**, Kulakowski teaches a method according to claim 1, Kulakowski fails to teach the message includes a signature for verifying the contents of the message. Zabetian teaches the message includes a signature for verifying the contents of the message (paragraph 0047-0052). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of

Zabetian into the system of Kulakowski in order to verifying the content of the message as suggested as Zabetian suggested (paragraph 0052).

**As to claim 31**, the claim is an apparatus claim of claim 10; therefore, the claim is interpreted and rejected as set forth in claim 10.

**As to claim 52**, the claim is an apparatus claim of claim 10; therefore, the claim is interpreted and rejected as set forth in claim 10.

**5. Claims 12 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kulakowski in view of Cashman (US 6,449,494).**

**As to claim 12**, Kulakowski teaches a method according to claim 1, wherein the message is repetitively broadcast at different time interval to insure that the messages are received (col.11, lines 1-13). Kulakowski fails to teach repetitively broadcast at a predetermined cycle rate. Cashman teaches repetitively broadcast at a predetermined cycle rate (col.10, lines 34-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Cashman into the system of Kulakowski in order to insure that the messages are received.

**As to claim 34**, the claim is an apparatus claim of claim 12; therefore, the claim is interpreted and rejected as set forth in claim 12.

***Response to Arguments***

Applicant's arguments filed 1/31/05 have been fully considered but they are not persuasive.

As to page 4, first paragraph, the applicant's **admitted** that an EMM message includes **one** or more of at least one identifier to define a group of users for whom the message is intended (see Specification, page 2, lines 14-20), a type specifier used to specify that the message is of a type which includes a text portion (see Specification, page 3, lines 16-17), a priority section used to specify the priority of the message (see Specification, page 3, lines 19-21), and a signature for verifying the contents of the message (see Specification, page 3, 23-25). Kulakowski teaches a broadcast message including **one** or more of at least one identifier to define a group of users for whom the message is intended (selected groups of subscribers, see col.7, lines 14-21), a type specifier used to specify that the message is of a type which includes a text portion (coupon, warning, advertise, see col.7, lines 14-21), a priority section used to specify the priority of the message (urgent, see col.7, lines 14-21). The combination of Kulakowski and Zabetian teaches a signature for verifying the contents of the message (Zabetian, paragraph 0047-0052).

As to page 4, second paragraph, the applicant's argues that Kulakowski fails to teach at least the limitations of the claims invention discussed above.

In response to the applicant's argument, the examiner believed that Kulakowski teaches at least the limitations of the claims invention discussed on above paragraph.

As to page 4, third paragraph, the applicant's argues that Kulakowski fails to teach specific structure of the broadcast messages.

figure 12 which comparing the PMA number being transmitted with that of the appliance.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



June 8, 2005

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